

in

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Uniform Freedom of Information Guidelines

DD/A Registry

82-2940/1

FROM:

Harry E. Fitzwater
Deputy Director for Administration
7D24 Hqs.

EXTENSION

NO.

DATE

14 DEC 1982

25x1

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1.

Executive Secretary

2.

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Attached are comments (in blind memo) in response to the Cabinet Affairs Staffing memorandum dated 10 December 1982 regarding the proposed OMB Freedom of Information Act Fee Guidelines.

CENTRAL INTELLIGENCE AGENCY

OFFICE OF THE DIRECTOR

14 December 1982

NOTE FOR: Becky Norton Dunlop
Director, Office of
Cabinet Affairs

In response to your request contained in Cabinet Affairs Staffing Memorandum 077648CA, the attached CIA comments on FOIA Fees are forwarded.



Executive Secretary

Attachment: a/s

25X1

14 December 1982

Comments Regarding the "Freedom of Information Act Fees"
Memo Dated 30 November 1982 from
Joe Wright to Ed Meese

GENERAL COMMENTS

We appreciate the opportunity to comment on the proposal to issue uniform Freedom of Information Act (FOIA) fee guidance. The thrust of the proposal is very similar to our current operating FOIA procedures. We employ centralized processing of FOIA, Privacy Act and mandatory review requests authorized by Executive Order 12356. Our specific comments are listed below which focus on fine tuning several points and we cite a major concern for the added administrative burden associated with implementing case-by-case reporting via the "Model Processing Form."

SPECIFIC COMMENTS - UNIFORM FOIA GUIDELINES

° Para 6. - Fees to be Charged
Para 7.d.(4) Minimum Charges.

In order to recover costs associated with requests for material released through previous FOIA cases, we suggest a lower minimum fee than the \$25 proposed. Therefore, agencies should have greater discretion in this regard and a cut-off cost in the range of \$10 to \$15 seems more appropriate.

° Para 6.a. Manual Searches for Records -

Here we suggest that average hourly rates be established by each agency for clerical and professional search functions.

These average rates would then be multiplied by the hours, or fractions thereof, to determine actual costs. To determine the exact rate per hour of each employee seems to impose an excessive administrative burden on the process.

° Para 6.d. - Duplication Costs -

We have noted that copy costs in some private sector firms are as low as \$.05 per page. Thus, a \$.25 per page cost may be challenged in view of the basic premise that FOIA material should be readily available to the public. A per page copy cost of \$.15 - \$.20 may be more appropriate.

° Para 7.d.(2) Advanced Deposits

We would suggest an upper limit of a 50 percent deposit when the fee estimate is substantial (i.e., more than \$100.00). This would provide agencies with a range of 25-50 percent and allow for existing policies that require 50 percent deposits to remain in force.

° Model Processing Form

This is the most troublesome feature of the proposal in that it greatly expands information now captured in our computer data base of FOIA request information. Of specific concern are the following items:

° Additional time and effort would be required to capture this data on each request. The consequence will be a delay in responses to the requester or added resources to maintain the current timetable or possibly both will occur.

° This data would be captured and compiled manually pending computer systems reprogramming. This could require a year or more of computer programming in competition with other high priority needs.

° It would be difficult, if not impossible, for agencies to capture meaningful cost data to properly report on FOIA cases in process that constitute significant backlog situations.

Therefore, it appears that we can more effectively compile an annual report to OMB by using data currently available to us rather than accumulating costs on a case-by-case basis as suggested. Total costs can be ascertained, based on work-years and average salary costs devoted to the FOIA process. These annual costs can then be allocated to the cost factors suggested in the "Proposed Reporting Format for Capturing Agencies' FOIA Operating Costs", section 1.a., Operating Costs.

The Fees section of the annual report would require data to be accumulated manually, but this should not cause an adverse impact on the entire FOIA process.

EXECUTIVE SECRETARIAT**Routing Slip**

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	EXDIR				
4	D/ICS				
5	DDI				
6	DDA	X			
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
13	D/EEO				
14	D/Pers				
15	D/OEA				
16	C/PAD/OEA				
17	SA/IA				
18	AO/DCI				
19	C/IPD/OIS				
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SUSPENSE		1200, 14 December Date			

Remarks:

Comments to me please NLT
1200, 14 December.

Executive Secretary
10 December 1982
Date

3537 (10-81)

THE WHITE HOUSE
WASHINGTON

82-13478

CABINET AFFAIRS STAFFING MEMORANDUM

DATE: 12/10/82 NUMBER: 077648CA DUE BY: COB 12/14/82
SUBJECT: Freedom of Information Act Fees

	ACTION	FYI		ACTION	FYI
ALL CABINET MEMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Baker	<input type="checkbox"/>	<input type="checkbox"/>
Vice President	<input type="checkbox"/>	<input type="checkbox"/>	Deaver	<input type="checkbox"/>	<input type="checkbox"/>
State	<input type="checkbox"/>	<input type="checkbox"/>	Clark	<input type="checkbox"/>	<input type="checkbox"/>
Treasury	<input type="checkbox"/>	<input type="checkbox"/>	Darman (For WH Staffing)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Defense	<input type="checkbox"/>	<input type="checkbox"/>	Harper	<input type="checkbox"/>	<input type="checkbox"/>
Attorney General	<input type="checkbox"/>	<input type="checkbox"/>	Jenkins	<input type="checkbox"/>	<input type="checkbox"/>
Interior	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Agriculture	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Commerce	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Labor	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
HHS	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
HUD	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Transportation	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
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OMB	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
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UN	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
USTR	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
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CEO	<input type="checkbox"/>	<input type="checkbox"/>	CCEA/Porter	<input type="checkbox"/>	<input type="checkbox"/>
OSTP	<input type="checkbox"/>	<input type="checkbox"/>	CCFA/Boggs	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	CCHR/Carleson	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	CCLP/Uhlmann	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	CCMA/Bledsoe	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	CCNRE/Boggs	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please review the attached material and provide your comments by COB on December 14, 1982.

DEC 10 4 44 PM '82

RETURN TO:

☐ Craig L. Fuller
Assistant to the President
for Cabinet Affairs
456-2823

☒ Becky Norton Dunlop
Director, Office of
Cabinet Affairs
456-2800

2300

KFF/102